

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

**PLAINTIFFS' JOINT NOTICE OF FILING ADDITIONAL EVIDENCE IN
SUPPORT OF RENEWED MOTIONS FOR ATTORNEYS' FEES &
EXPENSES**

Plaintiffs jointly submit the attached transcripts of the November 30, 2021 U.S. House of Representatives Select Committee to Investigate the January 6 Attack on the U.S. Capitol's Interview of Brad Raffensperger (Ex. A) and the December 12, 2018 SAFE Commission meeting (Ex. B) in support of their Renewed Motions for Attorneys' Fees and Expenses (Dkts. 967 & 998). Before the House Select Committee, Secretary Raffensperger testified, "When I took office in January 2019, number one is to secure new voting machines with a verifiable paper ballot due to a court order that we could not use the old DRE machines anymore." (Ex. A at 6; *see also id.* at 19-20.) The statements of at least Ryan Germany and Vincent Russo also expressly confirm that the prior DRE voting system this Court enjoined in its August

15, 2019 Order (Dkt. 579) was replaced as a direct result of and in direct response to this specific litigation (*see* Ex. B at 109-113, 179), including this Court’s directive in its September 17, 2018 Order (Dkt. 309) to State Defendants to address the critical failings the Court found with the prior DRE voting system—failings that this Court not only found in that same Order were likely to lead Plaintiffs to prevail on the merits of their then-pending constitutional claims (*id.* at 38), but that ultimately led the Court to issue its August 2019 injunction (Dkt. 579 at 152; *see also id.* at 130-31 (citing Dkt. 309 at 33)). That injunction still stands today.

Respectfully submitted this 28th day of December, 2022.

/s/ David D. Cross

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CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1(D), I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ David D. Cross
David D. Cross

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CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2022, a copy of the foregoing **PLAINTIFFS' JOINT NOTICE OF FILING ADDITIONAL EVIDENCE IN SUPPORT OF RENEWED MOTIONS FOR ATTORNEYS' FEES & EXPENSES** was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ David D. Cross
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